



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 10, 1998

Ms. Cheryl N. Elliott  
General Counsel  
Texas Southern University  
3100 Cleburne Avenue  
Houston, Texas 77004

OR98-1433

Dear Ms. Elliott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115879.

Texas Southern University (the "university") received a request for various documents involving particular leave requests and various public information requests filed by the requestor between January 1, 1997, and March 13, 1998. You claim that the requested information is excepted from disclosure under section 552.102 of the Government Code. However, pursuant to section 552.303(c) of the Government Code you were notified in correspondence from this office dated May 20, 1998, that you failed to comply with the requirements of Government Code section 552.301(b). You were allowed seven days from the date of the notification to provide this office with the requested information. Gov't Code § 552.303(d). Your failure to comply with these requirements results in the legal presumption that any information subject to the open records request and that was in any way related to or included in the notification is now presumed to be public information. *Id.* § 552.303(e).

We also observe that the Open Records Act establishes criminal penalties under section 552.353(a) for the withholding of information that must be released. Additionally, a requestor under section 552.321 may file suit for a writ of mandamus compelling a governmental body to make information available for public inspection if the governmental body refuses to supply public information or information that the attorney general has determined is public information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous

determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', with a long horizontal line extending to the right.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/gle

Ref.: ID# 115879

cc: Mr. Robert H. Jackson  
Organizational Specialist/Grievance Consultant  
Texas Faculty Association  
1415 Southmore  
Houston, Texas 77004